

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-02470-TNM**

AMERICAN IMMIGRATION LAWYERS ASSOCIATION v.  
UNITED STATES DEPARTMENT OF HOMELAND  
SECURITY et al

Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/19/2016

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN IMMIGRATION  
LAWYERS ASSOCIATION**

represented by **Emily Creighton**  
AMERICAN IMMIGRATION COUNCIL  
Legal Department  
1331 G Street, NW  
Suite 200  
Washington, DC 20005  
(202) 507-7514  
Fax: (202) 742-5619  
Email: [ecreighton@immcouncil.org](mailto:ecreighton@immcouncil.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kristin Macleod-Ball**  
AMERICAN IMMIGRATION COUNCIL  
1318 Beacon Street  
Suite 18  
Brookline, MA 02446  
857-305-3722  
Email: [kmacleod-ball@immcouncil.org](mailto:kmacleod-ball@immcouncil.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Melissa E. Crow**  
SOUTHERN POVERTY LAW CENTER  
1101 17th Street N.W.  
7th Floor  
Washington, DC 20036  
(202) 355-4471  
Fax: (202) 742-5619  
Email: [Melissa.Crow@splcenter.org](mailto:Melissa.Crow@splcenter.org)  
**TERMINATED: 02/26/2018**  
**LEAD ATTORNEY**

**Naikang Tsao**  
FOLEY & LARDNER LLP  
150 East Gilman Street  
Suite 5000  
Madison, WI 53703-1482  
(608) 258-4250  
Fax: (608) 258-4258  
Email: [ntsao@foley.com](mailto:ntsao@foley.com)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY**

represented by **Kenneth A. Adebonojo**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA

555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2562  
 Fax: (202) 252-2599  
 Email: [kenneth.adebonojo@usdoj.gov](mailto:kenneth.adebonojo@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Doris Denise Coles-Huff**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2557  
 Fax: (202) 252-2599  
 Email: [doris.coles@usdoj.gov](mailto:doris.coles@usdoj.gov)  
**TERMINATED: 02/14/2019**

**Defendant**

**UNITED STATES CUSTOMS AND  
 BORDER PROTECTION**

represented by **Kenneth A. Adebonojo**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Doris Denise Coles-Huff**  
 (See above for address)  
**TERMINATED: 02/14/2019**

Date Filed	#	Docket Text
12/19/2016	<u>1</u>	COMPLAINT <i>1:16-cv-02470</i> against U.S. DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT ( Filing fee \$ 400 receipt number 0090-4781541) filed by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons)(Crow, Melissa) (Entered: 12/19/2016)
12/20/2016	<u>2</u>	NOTICE of <i>Corrected Complaint</i> by AMERICAN IMMIGRATION LAWYERS ASSOCIATION re <u>1</u> Complaint, (Crow, Melissa) (Entered: 12/20/2016)
12/20/2016	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Naikang Tsao, :Firm- Foley & Lardner LLP, :Address- 150 East Gilman Street P.O. Box 1497 Madison, Wisconsin 53701. Phone No. - (608) 258-4250. Filing fee \$ 100, receipt number 0090-4782410. Fee Status: Fee Paid. by AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Attachments: # <u>1</u> Declaration)(Crow, Melissa) (Entered: 12/20/2016)
12/21/2016		Case Assigned to Judge Tanya S. Chutkan. (sb) (Entered: 12/21/2016)
12/21/2016	<u>4</u>	SUMMONS (4) Issued Electronically as to UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 12/21/2016)
01/25/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/30/2016. (Attachments: # <u>1</u> Exhibit)(Crow, Melissa) (Entered: 01/25/2017)
01/25/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/30/2016. Answer due for ALL FEDERAL DEFENDANTS by 1/29/2017. (Attachments: # <u>1</u> Exhibit)(Crow, Melissa) (Entered: 01/25/2017)
01/25/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CUSTOMS AND BORDER PROTECTION served on 12/29/2016

		(Attachments: # <u>1</u> Exhibit)(Crow, Melissa) (Entered: 01/25/2017)
01/25/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 12/29/2016 (Attachments: # <u>1</u> Exhibit)(Crow, Melissa) (Entered: 01/25/2017)
01/27/2017	<u>9</u>	Consent MOTION for Extension of Time to <i>File Defendants' Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 01/27/2017)
01/30/2017		MINUTE ORDER: Granting <u>9</u> Unopposed Motion for Extension of Time to File Answer. Defendants shall answer or otherwise respond to the complaint by March 6, 2017. Signed by Judge Tanya S. Chutkan on 1/30/17. (DJS) (Entered: 01/30/2017)
02/01/2017		Set/Reset Deadlines: Answer due by 3/6/2017. (tb) (Entered: 02/01/2017)
02/06/2017		MINUTE ORDER: Denying without prejudice <u>3</u> Motion for Admission Pro Hac Vice for: (1) failing to fully comply with Local Civil Rule 83.2(d)(4) which requires "a certification that the attorney [seeking admission] either HAS OR HAS NOT been DISCIPLINED by any bar, and if the attorney has been disciplined by any bar, the circumstances and details of the discipline"; and (2) failing to comply with Local Civil Rule 83.2(d)(6) which requires – even for attorneys whose offices are located outside Washington, D.C. – that the applicant's declaration set forth "whether the attorney, if the attorney engages in the practice of law from an office located in the District of Columbia, is a member of the District of Columbia Bar or has an application for membership pending." Signed by Judge Tanya S. Chutkan on 2/6/17. (DJS) (Entered: 02/06/2017)
02/06/2017	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Naikang Tsao, :Firm– Foley & Lardner LLP, :Address– 150 East Gilman Street P.O. Box 1497 Madison, Wisconsin 53701. Phone No. – 608–258–4250. Filing fee \$ 100, receipt number 0090–4832659. Fee Status: Fee Paid., Exparte by AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Attachments: # <u>1</u> Declaration)(Crow, Melissa) (Entered: 02/06/2017)
02/16/2017		MINUTE ORDER: Granting <u>10</u> Motion for Leave to Appear Pro Hac Vice. Attorney Naikang Tsao is hereby admitted pro hac vice to appear in this matter on behalf of Plaintiff. Signed by Judge Tanya S. Chutkan on 2/16/17. (DJS) (Entered: 02/16/2017)
03/07/2017		MINUTE ORDER TO SHOW CAUSE: Plaintiff filed this action on 12/19/2016. It appears from the record that Plaintiff effectuated service of process on Defendants, who sought and were granted an extension of time through 3/6/17 to respond to the complaint. However, Defendants have yet to answer or otherwise respond to the complaint, nor have they sought another extension. Therefore, it is hereby ORDERED that Plaintiff SHOW CAUSE, in writing, by 3/10/17, why the claims against Defendants should not be dismissed. Plaintiff's failure to timely and satisfactorily respond to the present order by 3/10/17, may result in the dismissal of this action, without further notice, for failure to prosecute. See Local Civil Rule 83.23. Signed by Judge Tanya S. Chutkan on 3/7/17. (DJS) (Entered: 03/07/2017)
03/07/2017	<u>11</u>	Consent MOTION for Extension of Time to <i>File Defendants' Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 03/07/2017)
03/08/2017		MINUTE ORDER: Granting <u>11</u> Consent Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint by March 21, 2017. Signed by Judge Tanya S. Chutkan on 3/8/17. (DJS) (Entered: 03/08/2017)
03/08/2017		Set/Reset Deadlines: Response to Show Cause due by 3/10/2017. (tb) (Entered: 03/08/2017)
03/08/2017		MINUTE ORDER: Plaintiff's obligation to show case or seek default is hereby discharged in light of the extension granted to Defendant for time in which to respond to the complaint. Signed by Judge Tanya S. Chutkan on 3/8/17. (DJS) (Entered: 03/08/2017)

03/09/2017		Set/Reset Deadlines: Answer due by 3/21/2017. (tb) (Entered: 03/09/2017)
03/21/2017	<u>12</u>	ANSWER to Complaint by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Adebonojo, Kenneth) (Entered: 03/21/2017)
03/27/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 4/14/17. Signed by Judge Tanya S. Chutkan on 3/27/17. (DJS) (Entered: 03/27/2017)
03/28/2017		Set/Reset Deadlines: Joint Status Report/Proposed Schedule and Order due by 4/14/2017. (tb) (Entered: 03/28/2017)
04/14/2017	<u>13</u>	Joint STATUS REPORT filed by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Attachments: # <u>1</u> Text of Proposed Order Plaintiff's Proposed Scheduling Order, # <u>2</u> Text of Proposed Order Defendants' Proposed Scheduling Order)(Crow, Melissa) (Entered: 04/14/2017)
04/19/2017		MINUTE ORDER: in light of the parties' joint submission and inability to agree on a proposed scheduling order, a status conference is hereby set for 4/25/17 at 11:00 AM in Courtroom 2. Signed by Judge Tanya S. Chutkan on 4/19/2017. (lctsc3) (Entered: 04/19/2017)
04/20/2017		Set/Reset Hearings: Status Conference set for 4/25/2017 at 11:00 AM in Courtroom 2 before Judge Tanya S. Chutkan. (tb) (Entered: 04/20/2017)
04/24/2017	<u>14</u>	MOTION to Continue <i>Status Conference</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Adebonojo, Kenneth) (Entered: 04/24/2017)
04/24/2017		MINUTE ORDER: granting <u>14</u> Motion to Continue status conference. Status conference set for 4/25 is hereby rescheduled for 5/4/2017 at 11:30 AM in Courtroom 2. Signed by Judge Tanya S. Chutkan on 4/24/2017. (lctsc3) (Entered: 04/24/2017)
05/04/2017		Minute Entry: Status Conference held on 5/4/2017 before Judge Tanya S. Chutkan: Parties shall continue meeting and conferring. Scheduling Order forthcoming. (Court Reporter Bryan Wayne) (tb) (Entered: 05/05/2017)
06/06/2017	<u>15</u>	Consent MOTION for Extension of Time to <i>File Defendants' Motion for Summary Judgment</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 06/06/2017)
06/07/2017	<u>16</u>	MOTION for Summary Judgment by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit)(Adebonojo, Kenneth) (Entered: 06/07/2017)
06/08/2017		MINUTE ORDER: Granting nunc pro tunc <u>15</u> Motion for Extension of Time to File Defendant's Motion for Summary Judgment. Signed by Judge Tanya S. Chutkan on 6/8/17. (DJS) (Entered: 06/08/2017)
06/22/2017		MINUTE SCHEDULING ORDER: Plaintiff's Response and, if necessary, Combined Cross-Motion due 7/13/17. Defendants' Reply and, if necessary, Combined Response due 8/7/17. Plaintiff's Reply, if necessary, due 8/22/17. Signed by Judge Tanya S. Chutkan on 6/22/17. (DJS) Modified on 6/22/2017 (DJS). (Entered: 06/22/2017)

06/23/2017		Set/Reset Deadlines: Response and Cross Motion due by 7/13/2017. Reply and Response to Cross Motion due by 8/7/2017. Reply to Cross Motion due by 8/22/2017. (tb) (Entered: 06/23/2017)
07/13/2017	<u>17</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Attachments: # <u>1</u> Statement of Facts Plaintiff's Responses To Defendants Statement Of Material Facts, # <u>2</u> Statement of Facts Plaintiff's Statement Of Genuine Issues Of Material Fact, # <u>3</u> Text of Proposed Order Proposed Order)(Tsao, Naikang) (Entered: 07/13/2017)
07/13/2017	<u>18</u>	AFFIDAVIT re <u>17</u> Memorandum in Opposition, <i>Declaration of Naikang Tsao</i> by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Attachments: # <u>1</u> Exhibit A, 3-13-17 Tsao Email to Adebonojo, # <u>2</u> Exhibit B, 3-17-17 Adebonojo Email Response to Tsao, # <u>3</u> Exhibit C, IMPLEMENTATION OF L-1 VISA REGULATIONS (Aug. 2013), # <u>4</u> Exhibit D, BARRIERS TO PROTECTION: THE TREATMENT OF ASYLUM SEEKERS IN EXPEDITED REMOVAL, # <u>5</u> Exhibit E, 6-15-17 ORT Chapter 11 index)(Tsao, Naikang) (Entered: 07/13/2017)
07/13/2017	<u>19</u>	AFFIDAVIT re <u>17</u> Memorandum in Opposition, <i>Declaration of Betsy Lawrence</i> by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Attachments: # <u>1</u> Exhibit A, 3-1-17 Howard Email to Lawrence, # <u>2</u> Exhibit B, 25-Page Online Index of Chapter 11 of the ORT, # <u>3</u> Exhibit C, 1-Page Online Index of Chapter 12 of the ORT, # <u>4</u> Exhibit D, 4-19-17 Howard Email to Lawrence, # <u>5</u> Exhibit E, 6-15-17 Hoskins Email to Lawrence, # <u>6</u> Exhibit F, Revised 25-Page Online Index of Chapter 11 of the ORT)(Tsao, Naikang) (Entered: 07/13/2017)
07/13/2017	<u>20</u>	MOTION for Discovery by AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Tsao, Naikang) (Entered: 07/13/2017)
07/26/2017	<u>21</u>	Consent MOTION for Extension of Time to <i>File Defendants' Opposition to Plaintiff's Motion for Limited Discovery</i> , ECF No. 20 by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 07/26/2017)
07/27/2017		MINUTE ORDER: Granting <u>21</u> Consent Motion for Extension of Time to File Response. Defendants shall file their Opposition to Plaintiff's Motion for Limited Discovery <u>20</u> by August 7, 2017. Signed by Judge Tanya S. Chutkan on 7/27/17. (DJS) (Entered: 07/27/2017)
08/01/2017		Set/Reset Deadlines: Defendants shall file their Opposition to Plaintiff's Motion for Limited Discovery by 8/7/2017. (jth) (Entered: 08/01/2017)
08/04/2017	<u>22</u>	MOTION for Extension of Time to <i>File a Reply to Plaintiff's Opposition to Defendants' Motion for Summary Judgment and Opposition to Plaintiff's Motion for Limited Discovery</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 08/04/2017)
08/07/2017		MINUTE ORDER: Granting <u>22</u> Motion for Extension of Time to Reply/Response. Defendants shall file a Reply to Plaintiffs Opposition to Defendants Motion to Dismiss and Opposition to Plaintiff's Motion for Limited Discovery by August 11, 2017. Signed by Judge Tanya S. Chutkan on 8/7/17. (DJS) (Entered: 08/07/2017)
08/07/2017		Set/Reset Deadlines: Response due by 8/11/2017. Reply to Motion for Summary Judgment due by 8/11/2017. (tb) (Entered: 08/07/2017)
08/11/2017	<u>23</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Exhibit A and B)(Adebonojo, Kenneth) (Entered: 08/11/2017)
08/11/2017	<u>24</u>	Memorandum in opposition to re <u>20</u> MOTION for Discovery filed by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Adebonojo, Kenneth) (Entered: 08/11/2017)



08/15/2017	<u>25</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>20</u> MOTION for Discovery by AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Tsao, Naikang) (Entered: 08/15/2017)
08/16/2017		MINUTE ORDER: Granting <u>25</u> Unopposed Motion for Extension of Time to File Response/Reply. The deadline for Plaintiff to file a reply is extended to September 6, 2017. Signed by Judge Tanya S. Chutkan on 8/16/17. (DJS) (Entered: 08/16/2017)
08/22/2017		Set/Reset Deadlines: Reply due by 9/6/2017. (tb) (Entered: 08/22/2017)
09/06/2017	<u>26</u>	REPLY to opposition to motion re <u>20</u> MOTION for Discovery filed by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Tsao, Naikang) (Entered: 09/06/2017)
11/01/2017		Case directly reassigned to Judge Trevor N. McFadden. Judge Tanya S. Chutkan is no longer assigned to the case. (ztnr) (Entered: 11/01/2017)
02/26/2018	<u>27</u>	NOTICE of Appearance by Emily Creighton on behalf of All Plaintiffs (Creighton, Emily) (Entered: 02/26/2018)
02/26/2018	<u>28</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN IMMIGRATION LAWYERS ASSOCIATION. Attorney Melissa E. Crow terminated. (Crow, Melissa) (Entered: 02/26/2018)
02/27/2018	<u>29</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Kristin Macleod–Ball, :Firm– American Immigration Council, :Address– 100 Summer Street, 23rd Floor, Boston, MA 02110. Phone No. – 8573053722. Fax No. – 202–742–5619 Filing fee \$ 100, receipt number 0090–5351222. Fee Status: Fee Paid. by AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Creighton, Emily) (Entered: 02/27/2018)
02/27/2018		MINUTE ORDER granting the <u>29</u> Motion for Leave to Appear <i>Pro Hac Vice</i> for Attorney Kristin Macleod–Ball. Counsel shall promptly register for this Court's CM/ECF system. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/27/2018. (lctnm3) (Entered: 02/27/2018)
03/30/2018	<u>30</u>	MEMORANDUM ORDER denying Defendants' <u>16</u> Motion for Summary Judgment and denying Plaintiff's <u>20</u> Motion for Discovery. See the attached Memorandum Order for additional details. It is further ORDERED that the parties shall appear for a status conference to discuss further proceedings in this matter on April 19, 2018 at 10 a.m. in Courtroom 2, before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 3/30/2018. (lctnm3) (Entered: 03/30/2018)
04/02/2018		Set/Reset Hearings: Status Conference scheduled for 4/19/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 04/02/2018)
04/02/2018	<u>31</u>	NOTICE of Appearance by Kristin Macleod–Ball on behalf of AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Macleod–Ball, Kristin) (Entered: 04/02/2018)
04/18/2018	<u>32</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Adebonojo, Kenneth) (Entered: 04/18/2018)
04/19/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 4/19/2018. Joint Status Report and proposed briefing schedule due by 8/2/2018. (Court Reporter: Sara Wick.) (hmc) (Entered: 04/19/2018)
04/23/2018	<u>33</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/20/2018. (lctnm3) (Entered: 04/23/2018)
08/01/2018	<u>34</u>	Consent MOTION for Extension of Time to <i>File the Parties' Joint Status Report</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 08/01/2018)

08/01/2018		MINUTE ORDER: Upon consideration of Defendants' <u>34</u> Consent Motion for Extension of Time to File, it is hereby ORDERED that the parties shall file the Joint Status Report on or before August 9, 2018. The parties are warned that any future motions for extensions of time must comply with the Court's <u>33</u> Standing Order, including the requirement that any such motions be filed at least four business days prior to any affected deadline. Signed by Judge Trevor N. McFadden on 8/1/2018. (lctnm3) (Entered: 08/01/2018)
08/02/2018		Set/Reset Deadlines: Joint Status Report due by 8/9/2018. (hmc) (Entered: 08/02/2018)
08/09/2018	<u>35</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Macleod-Ball, Kristin) (Entered: 08/09/2018)
08/10/2018		MINUTE ORDER: Upon consideration of the parties' <u>35</u> Joint Status Report, it is hereby ORDERED that Defendants shall complete their production of all records in Chapter 11, subject to redactions, by November 9, 2018. Defendants shall make two interim productions of these records, the first on or before September 9, 2018, and the second on or before October 9, 2018. Defendants shall file any motion for summary judgment by December 10, 2018. Plaintiff shall file its opposition and any cross-motion for summary judgment on or before December 28, 2018. Defendants shall file any reply on or before January 7, 2019 and Plaintiff shall file any reply on for before January 14, 2019. Signed by Judge Trevor N. McFadden on 8/10/2018. (lctnm3) (Entered: 08/10/2018)
08/10/2018		Set/Reset Deadlines: Defendants' production of all records in Chapter 11 due by 11/9/2018. First interim production due by 9/9/2018. Second interim production due by 10/9/2018. Defendants' Motion for Summary Judgment due by 12/10/2018. Plaintiff's opposition to the Motion for Summary Judgment and Cross-Motion due by 12/28/2018. Defendants' reply in support of their Motion for Summary Judgment and opposition to Plaintiff's Cross-Motion due by 1/7/2019. Plaintiff's reply in support of its Cross-Motion due by 1/14/2019. (hmc) (Entered: 08/10/2018)
12/28/2018	<u>36</u>	MOTION for Summary Judgment by AMERICAN IMMIGRATION LAWYERS ASSOCIATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Macleod-Ball Declaration, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Text of Proposed Order)(Macleod-Ball, Kristin) (Entered: 12/28/2018)
12/28/2018	<u>37</u>	NOTICE of Change of Address by Kristin Macleod-Ball (Macleod-Ball, Kristin) (Entered: 12/28/2018)
01/17/2019		MINUTE ORDER. Plaintiff filed its <u>36</u> Motion for Summary Judgment on December 28, 2018. Defendants' response was due on January 7, 2019, but no response has been filed. Plaintiff's Motion, however, was filed after the Department of Justice experienced a lapse in appropriations that prohibits its attorneys from working, even on a voluntary basis, except in very limited circumstances. In light of this, it is hereby ORDERED that, on or before January 24, 2019, the Defendants shall respond to the Plaintiff's Motion or otherwise file any motion for relief from the missed deadline. Signed by Judge Trevor N. McFadden on 1/17/2019. (lctnm3) (Entered: 01/17/2019)
01/17/2019		Set/Reset Deadlines: Defendants' response to Plaintiff's <u>36</u> Motion due by 1/24/2019. (hmc) (Entered: 01/17/2019)
01/23/2019	<u>38</u>	Unopposed MOTION to Stay <i>and for extension of time</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris). Added MOTION for Extension of Time to on 1/25/2019 (tth). (Entered: 01/23/2019)
01/24/2019		MINUTE ORDER: Upon considering the Defendants' <u>38</u> Motion to Stay, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendants shall notify the Court immediately upon resumption of appropriations, and that the Defendants' response to the Plaintiff's Motion for Summary Judgment shall be filed no later than 14 days after the resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/24/2019. (lctnm3) (Entered: 01/24/2019)

01/31/2019	<u>39</u>	NOTICE of Restored Government Funding by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>39</u> Notice, the Court hereby lifts the stay in this case. The Defendants' response to the Plaintiff's Motion for Summary Judgment shall be filed on or before February 11, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/1/2019. (lctnm3) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Defendants' response to Plaintiff's Motion for Summary Judgment due by 2/11/2019. (hmc) (Entered: 02/01/2019)
02/11/2019	<u>40</u>	Consent MOTION for Extension of Time to <i>File Defendants' Opposition to Plaintiff's Motion for Summary Judgment</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 02/11/2019)
02/11/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>40</u> Consent Motion, it is hereby ORDERED that the Defendants shall file any opposition to the Plaintiff's Motion for Summary Judgment on or before February 14, 2019. Counsel is again warned that any future motions for extensions of time must comply with the Court's <u>33</u> Standing Order, including the requirement that any such motions be filed at least four business days prior to any affected deadline. Signed by Judge Trevor N. McFadden on 2/11/2019. (lctnm3) (Entered: 02/11/2019)
02/12/2019		Set/Reset Deadlines: Defendants' opposition to Plaintiff's Motion for Summary Judgment due by 2/14/2019. (hmc) (Entered: 02/12/2019)
02/12/2019	<u>41</u>	MOTION for Extension of Time to <i>file Defendants' Opposition to Plaintiff's Motion for Summary Judgment</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 02/12/2019)
02/13/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>41</u> Motion for Extension of Time, the Court hereby DENIES the Defendants' request. The Court previously granted a similar request the Defendants made just one day prior to submitting this new request. The Court's order granting additional time considered counsel's representations about the need for additional time and his other obligations. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/13/2019. (lctnm3) (Entered: 02/13/2019)
02/14/2019	<u>42</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kenneth A. Adebonojo on behalf of All Defendants Substituting for attorney Doris Denise Coles-Huff (Adebonojo, Kenneth) (Entered: 02/14/2019)
02/14/2019	<u>43</u>	Memorandum in opposition to re <u>36</u> MOTION for Summary Judgment filed by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration)(Adebonojo, Kenneth) (Entered: 02/14/2019)
02/21/2019	<u>44</u>	REPLY to opposition to motion re <u>36</u> MOTION for Summary Judgment filed by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Macleod-Ball, Kristin) (Entered: 02/21/2019)
02/25/2019		MINUTE ORDER: Upon consideration of the parties' Summary Judgment briefing, a hearing is hereby scheduled for March 15, 2019 at 10 a.m. in Courtroom 2 before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 2/25/2019. (lctnm3) (Entered: 02/25/2019)
02/26/2019		Set/Reset Hearings: Motion Hearing set for 3/15/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 02/26/2019)
03/15/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 3/15/2019 re <u>36</u> MOTION for Summary Judgment filed by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. Order forthcoming. (Court Reporter: Crystal Pilgrim.) (hmc) (Entered: 03/15/2019)



03/15/2019	<u>45</u>	ORDER re Plaintiff's <u>36</u> Motion for Summary Judgment. See attached order for details. Signed by Judge Trevor N. McFadden on 3/15/2019. (lctnm3) (Entered: 03/15/2019)
03/15/2019		Set/Reset Deadlines: Joint Status Report due by 4/15/2019. (hmc) (Entered: 03/15/2019)
04/15/2019	<u>46</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Macleod-Ball, Kristin) (Entered: 04/15/2019)
04/17/2019		MINUTE ORDER: Upon consideration of the parties' <u>46</u> Joint Status Report, it is hereby ORDERED that a further report shall be filed on or before April 29, 2019. This report shall provide updates on the status of the Government's Vaughn Index and on the five documents referred to other agencies for consultation. It is further ORDERED that the parties shall notify the Court, through a Joint Status Report, once the Government's search of the PODS database has been completed and any responsive records have been produced. Signed by Judge Trevor N. McFadden on 4/17/2019. (lctnm3) (Entered: 04/17/2019)
04/17/2019		Set/Reset Deadlines: Joint Status Report due by 4/29/2019. (hmc) (Entered: 04/17/2019)
04/29/2019	<u>47</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Macleod-Ball, Kristin) (Entered: 04/29/2019)
04/30/2019		MINUTE ORDER: Upon consideration of the parties' <u>47</u> Joint Status Report, it is hereby ORDERED that: (1) the Defendants shall make a production of responsive records from the PODS database on or before May 31, 2019; (2) the Defendants shall produce a <i>Vaughn</i> Index for all document redactions and withholdings no later than 45 days after the final production of the PODS documents; (3) the Defendants shall produce the 5 records referred to other agencies or provide the Plaintiff with justifications for withholding them on or before May 31, 2019; and (4) the parties shall file a further update on or before June 14, 2019. This report shall inform the Court about the status of these issues and propose a summary judgment briefing schedule. Signed by Judge Trevor N. McFadden on 4/30/2019. (lctnm3) (Entered: 04/30/2019)
04/30/2019		Set/Reset Deadlines: Defendants' production of responsive records from the PODS database due by 5/31/2019. Defendants' production of the 5 records referred to other agencies due by 5/31/2019. Joint Status Report due by 6/14/2019. (hmc) (Entered: 04/30/2019)
06/14/2019	<u>48</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION LAWYERS ASSOCIATION. (Macleod-Ball, Kristin) (Entered: 06/14/2019)
06/17/2019		MINUTE ORDER: Upon consideration of the parties' <u>48</u> Joint Status Report, it is hereby ORDERED that the Defendants shall produce a Vaughn Index on or before July 15, 2019. The Index shall include the documents withheld in part or in full from Chapter 11 of the ORT, the documents withheld in part or in full from the PODS database, and the 3 documents withheld in full after referral to another agency. It is further ORDERED that the parties shall adhere to the following summary judgment briefing schedule: the Defendants shall file a Motion for Summary Judgment on or before August 6, 2019. The Plaintiff shall file any Opposition and Cross Motion on or before September 10, 2019. The Defendants shall file any Opposition and Reply by September 30, 2019. The Plaintiff shall file any Reply on or before October 21, 2019. Signed by Judge Trevor N. McFadden on 6/17/2019. (lctnm3) (Entered: 06/17/2019)
06/17/2019		Set/Reset Deadlines: Defendants' Vaughn Index due by 7/15/2019. Defendants' Motion for Summary Judgment due by 8/6/2019. Plaintiff's Opposition and Cross Motion 9/10/2019. Defendants' Opposition and Reply due by 9/30/2019. Plaintiff's Reply due by 10/21/2019. (hmc) (Entered: 06/17/2019)
08/02/2019	<u>49</u>	Consent MOTION for Extension of Time to <i>File Defendants' Motion for Summary Judgment</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 08/02/2019)
08/02/2019		MINUTE ORDER granting Defendants' unopposed <u>49</u> Motion for Extension. It is hereby ORDERED that the parties shall adhere to the following summary judgment

		briefing schedule: the Defendants shall file a Motion for Summary Judgment on or before September 10, 2019. The Plaintiff shall file any Opposition and Cross Motion on or before October 14, 2019. The Defendants shall file any Opposition and Reply on or before November 4, 2019. The Plaintiff shall file any Reply on or before November 25, 2019. Signed by Judge Trevor N. McFadden on 8/2/2019. (lctnm3) (Entered: 08/02/2019)
08/05/2019		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 9/10/2019. Plaintiff's Opposition and Cross-Motion due by 10/14/2019. Defendants' Opposition and Reply due by 11/4/2019. Plaintiff's Reply due by 11/25/2019. (hmc) (Entered: 08/05/2019)
09/06/2019	<u>50</u>	Consent MOTION for Extension of Time to <i>File Defendants' Renewed Motion for Summary Judgment</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 09/06/2019)
09/06/2019		MINUTE ORDER granting Defendants' <u>50</u> unopposed Motion for Extension. It is hereby ORDERED that the parties shall adhere to the following summary judgment briefing schedule: the Defendants shall file a Motion for Summary Judgment on or before September 30, 2019. The Plaintiff shall file any Opposition and Cross Motion on or before November 4, 2019. The Defendants shall file any Opposition and Reply on or before November 24, 2019. The Plaintiff shall file any Reply on or before December 15, 2019. Further requests for extension shall be disfavored. Signed by Judge Trevor N. McFadden on 9/6/2019. (lctnm3) (Entered: 09/06/2019)
09/09/2019		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 9/30/2019. Plaintiff's Opposition and Cross-Motion due by 11/4/2019. Defendants' Opposition and Reply due by 11/24/2019. Plaintiff's Reply due by 12/15/2019. (hmc) (Entered: 09/09/2019)
09/25/2019	<u>51</u>	Consent MOTION for Extension of Time to <i>File Defendants' Motion for Summary Judgment</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Adebonojo, Kenneth) (Entered: 09/25/2019)